

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

PAUL MEREZ GRAHAM

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CASE NO. 2:06-CR-144-WKW

**ORDER**

This case is before the Court on the defendant's Unopposed Motion to Continue (Doc. # 85). The criminal case is currently set for trial during the February 4, 2008 term. For the reasons set forth below, the Court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "[a]ny period of delay resulting from the absence or unavailability of the defendant or essential witness." § 3161(h)(3)(A).

The Court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Mr. Graham in a speedy trial. In support of his Motion to Continue Trial, counsel for the defendant explains that he is newly appointed and a continuance is needed to review the case and discuss the ramifications of plea and trial with Mr. Graham. The government does not

oppose the motion.

Accordingly, it is ORDERED that the defendant's Unopposed Motion to Continue (Doc. # 85) is GRANTED. Trial in this matter is continued from February 4, 2008, to the criminal term of court beginning on May 5, 2008 , at 10:00 a.m. The court requests the Magistrate Judge to conduct a pretrial conference prior to the May 5, 2008 trial term and to enter a pretrial conference order.

DONE this 30th day of January, 2008.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE